

REMARKS/ARGUMENTS.

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 14-22 are presently active; Claims 1-13 were canceled previously without prejudice. Claim 14 has been presently amended.

In the outstanding Office Action, Claims 14-18 were objected to. Claims 14-22 were rejected under 35 U.S.C. § 102(e) as being anticipated by Petite et al (U.S. Pat. No. 6,437,692).

Regarding the claim objection, the present amendment corrects the informality in Claim 14. Thus, the objection to Claim 14 has been overcome.

Secondly, as discussed during the interview of January 11, 2006, Applicant resubmits that, in one embodiment of the present invention as shown in Figure 11, the remote control server enters a wait state if a command execution request from a user terminal corresponding to the command fetch request is not stored in a remote control server and after an evaluation of state information regarding a status of the electronic equipment. As explained in the specification with regard to Figure 11, at step 1003, analysis of the state information determines if a situation exists where "the user should be contacted." See Specification, page 27, lines 6-10. As explained thereafter in the specification, following evaluation of the state information, the remote control server is set in a wait state in step S1105.

Accordingly, the present claims recite a remote control server system including a remote control server and a wait state setting unit in the remote controller. In Claim 14, the wait state setting unit is configured to receive a command fetch request from electronic equipment via an external network. If a command execution request from a user terminal corresponding to the command fetch request is *not* stored in the remote control server and after an evaluation of state information supplied from the electronic equipment, the wait state setting unit sets a wait state in the remote control server for the command execution request

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from the user terminal;

Accordingly, it is therefore possible to suppress the delay occurring when transmitting the command execution request to the electronic equipment upon being received from a user by setting the wait state in the remote control server so that the command execution request can be transmitted to the electronic equipment without having to wait until a subsequent command fetch request is received.

The outstanding Office Action associates server 260 in Petite et al with a remote control server and points out Petite et al col. 7, lines 52-57, which discloses that:

workstation 250 is capable of generating control signals for the system and having the server act as the data collection and reporting device, so when server 260 would be in a wait state during the time period when passing user requests to and receiving control signal from workstation 250.

However, there is no disclosure in Petite et al for setting the wait state of server 260 based on (1) the absence of a command execution request stored in server 260 and (2) after an evaluation of the state of the vehicle shown in Figure 7.

Figure 7 is reproduced below with further disclosure from Petite et al regarding Figure 7.

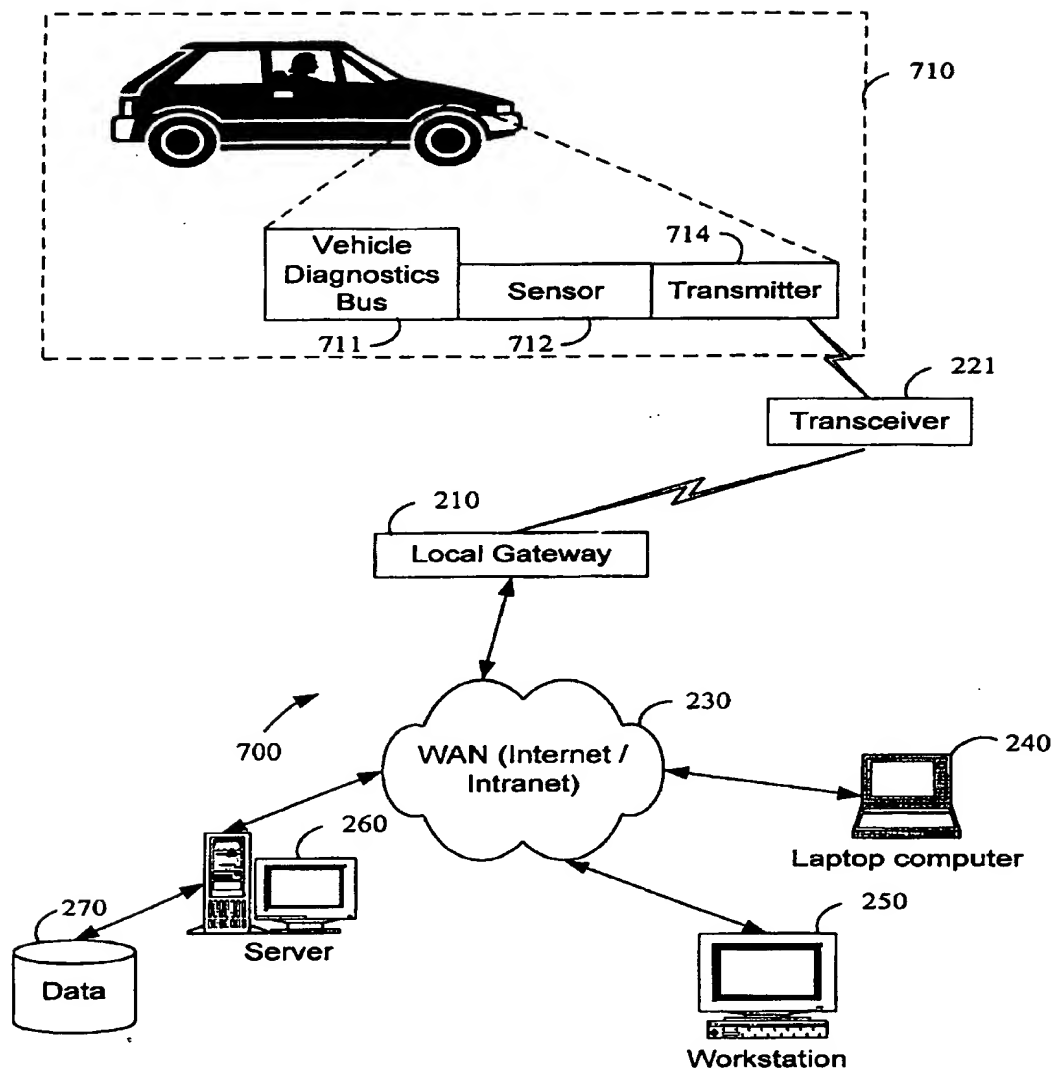


FIG. 7

With regard to Figure 7, Petite et al at col. 12, lines 45-62, disclose that:

More specifically, Figure 7 illustrates a remote automotive diagnostics monitoring system 700. Remote automotive diagnostics interface unit 710 consists of sensor 712 integrated with the vehicle diagnostics data bus 711, and transmitter 714 wherein contents of the vehicle diagnostics can be downloaded upon a control signal to sensor 712 from a remote location serviced by local gateway 210. In this manner, a vehicle in need of service but still capable of accessing the vehicle diagnostics codes can be remotely diagnosed by uploading the information through remote automotive diagnostics monitoring system 700 and accessing a custom report created by server 260 in a manner

previously described. ***In this regard, server 260 could be configured to perform any of a number of levels of diagnostics and provide service manual instructions, figures, and local authorized service contact information via WAN 230 on a fee basis or per a predetermined level of service plan.***
[emphasis added]

While Petite et al disclose that the server 260 can perform any of a number of levels of diagnostics and from above can be in a wait state, there is no disclosure that the wait state occurs ***if a command execution request from the user is not stored in server 260 and after an evaluation of the state of the vehicle***, as would be required for Petite et al to anticipate the present claims.

The outstanding Office Action infers that “a wait state must occur for retrieving control signals from computers 240 and 250” from a deduction that “a control signal can’t be generated simultaneously if it is not stored in the server.” However, there is no evidence on the record that server 260 in Petite et al operates in the manner asserted by the examiner. Moreover, there is no evidence that server 260 in Petite et al sets a wait state. The actions described by the examiner appear merely to be haphazard.

Since M.P.E.P. § 2131 requires for anticipation that each and every feature of the claimed invention must be shown and requires for anticipation that the identical invention must be shown in as complete detail as is contained in the claim, it is respectfully submitted that, with the above noted feature not being shown by Petite et al in as complete detail as is contained in the claim, independent Claims 14, 19, and 21 and the claims dependent therefrom patentably define over the art of record.

Finally, this amendment is submitted in accordance with 37 C.F.R. §1.116 which after final rejection permits entering of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, presenting rejected claims in better form for consideration on appeal, or presenting amendments touching on the merits upon a showing of good and sufficient reasons why the amendment is necessary and was not

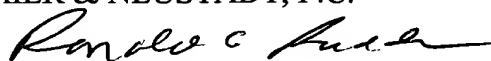
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presented earlier. The present amendment corrects an informality, addresses the response to Applicant's arguments given in the outstanding Office Action, and thereby addresses an issue that Applicant was unaware of prior to this time and therefore could not have been presented earlier. No new matter has been added. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. §1.116.

Consequently, in view of the present amendment and in light of the above discussions, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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